

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDWARD EARL THOMAS,

Plaintiff,

v.

Case Number 03-10256-BC
Honorable David M. Lawson

EASTERN DISTRICT OF MICHIGAN
CLERK'S OFFICE, Detroit, Michigan,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION**

This matter is before the Court on a motion filed by the plaintiff seeking to amend his complaint. The complaint was filed on December 18, 2003 and consisted of a collection of letters, documents, the plaintiff's GED test results, and a "motion for declaration." The gravamen of the plaintiff's complaint was a suspicion that he has been "frauded" because he did not receive five consecutive case numbers when he filed five lawsuits, presumably simultaneously, in 1998. On July 6, 2004, this Court adopted a report issued by Magistrate Judge Charles E. Binder recommending that the case be dismissed for lack of merit. Thereafter, the plaintiff filed a notice of appeal, which was dismissed for want of prosecution on November 22, 2004.

Since that time, the plaintiff has filed a rash of motions seeking reconsideration in some form or another, the latest of which was denied by the Court on February 7, 2006. Although entitled motion to amend, the present document is no different. The plaintiff asks for an investigation by the United States Marshals as to why this Court never sent a summons to that agency. He requests *de novo* review and an appeal, if necessary. These requests lack merit and have been ruled on several times in the past. *See* E.D. Mich. LR 7.1(g)(3) (stating that the moving party must show: (1) a

“palpable defect,” (2) that misled the Court and the parties, and (3) that correcting the defect will result in a different disposition of the case); *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001 (explaining that a “palpable defect” is a defect which is obvious, clear, unmistakable, manifest, or plain). As a result, the Court will deny the plaintiff’s motion to amend.

Accordingly, it is **ORDERED** that the plaintiff’s motion [dkt # 82] to amend is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 1, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 1, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS